



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,945	08/31/2001	David Matthew Chakmakian	RPS920010057US1	2063

45503 7590 10/04/2004

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN, TX 78759

EXAMINER

SCHLAIFER, JONATHAN D

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,945

Applicant(s)

CHAKMAKIAN, DAVID MATTHEW

Examiner

Jonathan D. Schlaifer

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/31/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application 09/943,945 filed on 8/31/2001.
2. Claims 1-21 are pending in the case. Claims 1, 8, and 15 are independent claims.

Claim Objections

3. Claims 8-14 and 15-21 are objected to as being identical copies of claim 1-7. These claims should be removed from the case as they are merely two sets of duplicates of claim 1-7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2, 5-9, and 12-16, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nogami et al. (USPN 4,962,452—filing date 8/23/1989), hereinafter Nogami.**
5. **Regarding independent claim 1**, Nogami discloses a method of automatically preparing reviewable translations of comment text contained within a data processing system instruction data structure (Abstract, lines 1-20, this is the purpose of Nogami's invention), comprising: automatically identifying one or more comment text items within a data processing system instruction data structure(see line 6, Abstract); automatically copying each of the one or more comment text items from the data processing system instruction data structure (see line 6, Abstract); translating each of the one or more

comment text items to create one or more translated text items (see lines 10-15, Abstract); combining the one or more translated text items to create a translated text data structure (see lines 10-15, Abstract); creating a combined text data structure comprising each of the one or more translated text items and each of the one or more comment text items (see lines 10-15, Abstract); and automatically arranging each of the one or more translated text items within the combined text data structure in logical proximity to a corresponding comment text item, from which corresponding comment text item the translated text item was translated(see lines 15-20, Abstract, the comments are reinserted and marked).

6. **Regarding dependent claim 2**, Nogami discloses that the translating and combining steps are performed automatically by a data processing system (Line 1 of the Abstract, it is a machine translation system.)
7. **Regarding dependent claim 5**, Nogami discloses that the creating step further comprises modifying the one or more translated text items in the combined text data structure (in the Abstract, lines 10-15, the translated text items are changed into a translated version, and in col. 2, lines 35-45, they are marked up).
8. **Regarding dependent claim 6**, Nogami discloses that the combining step further comprises modifying the one or more translated text items in the translated text data structure to match the one or more translated text items in the combined text data structure (in the Abstract, lines 10-15, the translated text items are changed into a translated version, and in col. 2, lines 35-45, they are marked up).

Art Unit: 2178

9. **Regarding dependent claim 7**, Nogami discloses that the data processing system instruction data structure is a source code file of machine-readable instructions on a machine-readable medium (Line 1 of the Abstract, it is a machine translation system, which inherently must operate based on such a file).
10. **Regarding independent claim 8**, it is identical to claim 1 and is rejected in an identical manner.
11. **Regarding dependent claim 9**, it is identical to claim 2 and is rejected in an identical manner.
12. **Regarding dependent claim 12**, it is identical to claim 5 and is rejected in an identical manner.
13. **Regarding dependent claim 13**, it is identical to claim 6 and is rejected in an identical manner.
14. **Regarding dependent claim 14**, it is identical to claim 7 and is rejected in an identical manner.
15. **Regarding independent claim 15**, it is identical to claim 1 and is rejected in an identical manner.
16. **Regarding dependent claim 16**, it is identical to claim 2 and is rejected in an identical manner.
17. **Regarding dependent claim 19**, it is identical to claim 5 and is rejected in an identical manner.
18. **Regarding dependent claim 20**, it is identical to claim 6 and is rejected in an identical manner.

19. **Regarding dependent claim 21**, it is identical to claim 7 and is rejected in an identical manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nogami, further in view of Kennedy et al. (USPN 6,651,217 B1—filing date 9/1/1999), hereinafter Kennedy.**
21. **Regarding dependent claim 3**, Nogami fails to disclose that the arranging step further comprises arranging each of the one or more translated text items in logical proximity to a name of the data processing system instruction data structure, from which data processing system instruction data structure the corresponding comment text item was copied. However, Kennedy discloses in col. 7, lines 15-30, the correlation of field labels and arrangements for text items in data structures in order to help give order to the data structures and facilitate retrieval of items within the data structures. It would have been obvious to one of ordinary skill in the art at the time of the invention to use field labels and arrangements for text items in the data structures in Nogami in order to help give order to the data structure and facilitate retrieval of items within the data structure.

Art Unit: 2178

22. **Regarding dependent claim 10**, it is identical to claim 3 and is rejected in an identical manner.

23. **Regarding dependent claim 17**, it is identical to claim 3 and is rejected in an identical manner.

24. **Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nogami, further in view of Kennedy et al. (USPN 6,651,217 B1—filing date 9/1/1999), hereinafter Kennedy.**

25. **Regarding dependent claim 4**, Nogami fails to disclose that the arranging step further comprises arranging each of the one or more translated text items in logical proximity to a line number of the corresponding comment text item in the data processing system instruction data structure, from which comment text item the translated text item was translated. However, Glenn, in col. 4, lines 20-40 discloses the use of line numbers as an organizational scheme for text items in order to aid in their retrieval and ordered storage. It would have been obvious to one of ordinary skill in the art at the time of the invention to use line numbers as an organizational scheme for text items in order to aid in their retrieval and ordered storage in the context of Nogami in the manner of Kennedy.

26. **Regarding dependent claim 11**, it is identical to claim 4 and is rejected in an identical manner.

27. **Regarding dependent claim 18**, it is identical to claim 4 and is rejected in an identical manner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

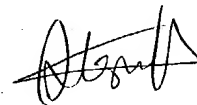
USPN 4,706,212 (filing date 3/31/1971)—Toma

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



STEPHEN S. HONG
PRIMARY EXAMINER